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5 Attorneys for Defendants
6 Cisco Systems, Inc., Venu Dharmapuri, and Kenny
Paul

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 ANOOP RAJKUMAR,

13 Plaintiff,

14 vs.

15 CISCO SYSTEMS, INC., VENU
16 DHARMAPURI, and KENNY PAUL, et
al.,

17 Defendants.
18

Case No. C08-01600-PVT

**DECLARATION OF DENNIS J.
SINCLITICO IN SUPPORT OF NOTICE OF
MOTION, MOTION, AND MEMORANDUM
OF POINTS AND AUTHORITIES IN
SUPPORT OF DEFENDANTS CISCO
SYSTEMS, INC., VENU DHARMAPURI,
AND KENNY PAUL'S MOTION TO
CONTINUE CASE MANAGEMENT
CONFERENCE FROM JULY 15, 2008**

UNOPPOSED

19
20 I, Dennis J. Sinclitico, Jr., declare:

21 1. I am an attorney at Morgan, Lewis & Bockius LLP ("Morgan Lewis"), attorneys
22 of record for Defendants Cisco Systems, Inc., Venu Dharmapuri, and Kenny Paul ("Cisco
23 Defendants"). I am licensed to practice before all of the Courts of the State of California. I have
24 personal knowledge of the following facts. If called as a witness to testify at hearing in this
25 matter, I could and would testify competently to the facts set forth in this declaration.

26 2. On June 19, 2008, I received an email from Mr. Rajkumar in which he wrote "In
27 that case I will agree to moving the Case Management Conference to August 5th, 2008." A true
28 and correct copy of that email is attached hereto as Exhibit A.

1 3. After filing a motion to dismiss on behalf of Cisco Defendants, I contacted Mr.
2 Rajkumar to inquire about his willingness to continue the CMC to the date of the hearing on the
3 motion to dismiss.

4 4. On June 23rd, I sent Mr. Rajkumar a stipulation and proposed order memorializing
5 the agreement to continue the CMC.

6 5. After I did not receive any response from Mr. Rajkumar, I attempted to contact
7 Mr. Rajkumar by email and telephone, finally reaching him on July 2nd.

8 6. On July 2nd, Mr. Rajkumar advised that he would not object continuing the CMC
9 to August 5th, as we previously agreed.

10 7. During that conversation, Mr. Rajkumar advised that he was unwilling to sign the
11 stipulation to file with the Court.

12 8. I again attempted to contact Mr. Rajkumar and left him a message asking him to
13 reconsider his position.

14 9. As of this writing, I have received no further response from Mr. Rajkumar.

15 10. I have spoken with counsel for Defendants Wipro and Deloitte Consulting. Both
16 of them have agreed to continue the Case Management Conference to August 5, 2008.

17 11. The CMC should be continued to avoid requiring the parties to appear twice in a
18 two week period. Further, given Mr. Rajkumar's prior statement that he would agree to the
19 continuance, the parties are now left without sufficient time to complete the Court's meet and
20 confer and disclosure requirements in a timely fashion.

21 12. I obtained written confirmation from Mr. Rajkumar that he would agree to move
22 the CMC to August 5th. Mr. Rajkumar refused to provide any explanation as to why he refused
23 to execute the stipulation memorializing that agreement. Mr. Rajkumar has advised that he did
24 not object to the continuance. Counsel for Wipro and Deloitte Consulting have both agreed to the
25 proposed continuance.

26 13. There are four separate groups of defendants in this matter: Cisco Defendants,
27 Wipro, Deloitte Consulting, and individual Naval Mohta (who has not yet appeared). The
28 interests of judicial economy are not served by requiring representatives of all of these parties to

1 appear twice in the span of less than two weeks. Moreover, given Mr. Rajkumar's prior
2 agreement to continue the CMC, the parties do not have sufficient time to complete the Court's
3 pre-CMC meet and confer requirements.

4 14. There have been no prior time modifications in the case.

5 15. Given that the requested continuance is less than three weeks, the requested
6 modification will have a negligible effect on the schedule for the case.

7
8 Executed this 2nd day of July, 2008 at San Francisco, California.

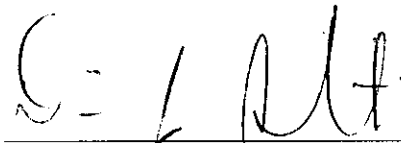
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11 _____
12 DENNIS J. SINCLITICO, JR.
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EXHIBIT A



"anoop rajkumar"
<anooprajkumar@hotmail.com>
>
06/19/2008 10:39 AM

To "Dennis J. Sinclitico Jr." <dsinlitico@morganlewis.com>, anooprajkumar@yahoo.com
cc
bcc

Subject RE: Rajkumar v. Cisco et al

History:  This message has been replied to.

Mr Dennis,

In that case i will agree to moving **Case Management Confrence** to August 5th 2008 because i will not be available due to prior engagement in that period. I will forward copy of this letter to Clerk's office in district court and i expect that you will make necessary arrangement for this, including informing this to other relevant parties.

Pls contact me at 650-331-7324 or 408-476-1305 for further information.

Thanks and Regards

Anoop Rajkumar
73 Park Drive, Apt # 16
Boston, MA -02215

To: anooprajkumar@hotmail.com
Subject: RE: Rajkumar v. Cisco et al
From: dsinlitico@morganlewis.com
Date: Wed, 18 Jun 2008 17:38:56 -0700

Mr. Rajkumar-

There are certain items about which we need to meet and confer, pursuant to the Federal Rules of Civil Procedure and the Court's Local Rules. We need to conduct this meet and confer prior to June 24th. Please let me know of a convenient time for us to speak.

Regards,

Dennis J. Sinclitico
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Spear Street Tower
San Francisco, CA 94105
tel- 415.442.1197
fax- 415.442.1001
dsinlitico@morganlewis.com
www.morganlewis.com

"anoop rajkumar" <anooprajkumar@hotmail.com> 06/18/2008 05:32 PM

To "Dennis J. Sinclitico Jr."

<dsinlitico@morganlewis.com>

cc

Subjec RE: Rajkumar v. Cisco et al
t

Dear Sir

I am in receipt of your below email and let me confirm that i am agreeable to the date Honorable Judge has set for Case management conference that is July 15th. I will be there on that data and time and we can discuss it further over there.

I will send the copy of this communication to the clerk's office in district court. My telephone number is same 650-331-7324 or 408-476-1305, pls let me know if you need more information.

Thanks & Regards

Anoop Rajkumar
73 Park Drive, Apt # 16
Boston, MA 02215

Subject: Rajkumar v. Cisco et al
To: anooprajakumar@hotmail.com
From: dsinlitico@morganlewis.com
Date: Tue, 17 Jun 2008 15:14:32 -0700

Dear Mr. Rajkumar,

My office represents Cisco Systems, Inc., Venu Dharmapuri, and Kenny Paul. Please be advised that we are in the process of preparing a motion to dismiss the complaint. Pursuant to the Court's standing order regarding case management, we are required to meet and confer with you to confirm whether a hearing date of August 5, 2008 will cause undue prejudice to you. Please advise whether this date is agreeable with you.

Also, please advise whether you are agreeable to moving the date of the case management conference, currently on calendar for July 15, 2008 to August 5, 2008. If we request a continued case management conference, we will need to provide the Court with a stipulation advising that we have agreed to the continued date. I will prepare and forward that stipulation to you if you are agreeable to moving the date of case management conference.

Please advise whether August 5th is a convenient date for the hearing for the motion to dismiss and whether you are agreeable to moving the case management conference to that date.

Regards,

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